

REMARKS

After entry of the present Amendment, claims 1-22 and 24-36 remain in the application, with claims 1, 18, and 36 in independent form. Claims 5, 18, 22, and 24 have been amended. Claim 23 has been cancelled.

Claim Objections

Claims 5 and 22 have been objected to by the Examiner due to an informality. The Applicant has corrected the aforementioned claims as suggested by the Examiner to render these objections moot.

Claims 23, 24, and 27 were objected to as depending from a rejected base claim. The Examiner stated that the prior art does not teach nor suggest a flow regulator having a biconical concentrator formed from a second and third cone joined as claimed in claim 23, nor the relation of holes through the base of the flow regulator as claimed in claim 27. It is then presumed that these claims, if written in independent form, would then be allowable. Accordingly, claim 18 has been amended to incorporate all of the limitations of claim 23. Additionally, claim 36 has been added which combines all of claims 18 and 27. As a result, claim 23 has been cancelled. Therefore, Applicant believes that novel and nonobvious claims 18 and 26 are now in condition for allowance.

Allowable Subject Matter

The Examiner has pinpointed a scope of novelty as set forth in claims 1-17. Regarding independent claim 1, the Examiner states that the prior art does not teach nor suggest a flow regulator within a supersonic nozzle and the process of carrying out kinetic spraying using a flow regulator within the supersonic nozzle.

The Applicant thanks the Examiner for the allowable subject matter. As noted above, claim 5 has been amended to overcome the objection by the Examiner. Accordingly, Applicant believes claims 1-17 are now in condition for allowance.

Claim Rejections Under 35 USC §102

Claims 18-21, 28, 29, and 35 stand rejected under 35 USC §102(e) as being anticipated by WO 03/041868 to Heinrich et al., which utilizes US patent application 2004/0166247 in lieu of a translation since it derives priority therefrom (the Heinrich publication).

As noted above, independent claim 18 has been amended to incorporate the limitations of claim 23. In addition, claim 27 has been rewritten in the independent form as newly added claim 36. Therefore, Applicant believes that in view of amended claim 18 and newly added claim 36, the rejection under 35 USC §102(e) is now moot and should be withdrawn. Applicant further believes that novel and nonobvious claims 18 and 36 are now in condition for allowance.

Claims 19-21, 28, 29, and 35 are claims which depend from allowable claim 18. Therefore, Applicant believes that in view of amended claim 18, the rejection of claims 19-21, 28, 29, and 35 is now moot and should be withdrawn. Applicant further believes that novel and nonobvious claims 19-21, 28, 29, and 35 are now in condition for allowance.

Claim Rejections Under 35 USC §103

Claims 25, 26, and 28 stand rejected under 35 USC §103(a) as being unpatentable over Heinrich. Additionally, claims 22 and 28 stand rejected under 35 USC §103(a) as being unpatentable over Heinrich in view of US Publication 2003/0190414 to Van Steenkiste (the Van Steenkiste reference).

Again, as noted above, independent claim 18 has been amended to incorporate the limitations of claim 23. Claims 22, 25, 26, and 28 are claims which depend directly from claim 18. Therefore, Applicant believes that in view of amended claim 18, the rejection of dependent claims 22, 25, 26, and 28 is now moot and should be withdrawn. Applicant further believes that novel and nonobvious claims 22, 25, 26, and 28 are now in condition for allowance.

Applicant's attorney respectfully submits that the claims as amended are now in condition for allowance and respectfully requests such allowance. If any additional fees are

necessary to respond to the outstanding Office Action, you are hereby authorized to charge such fees to Deposit Account No. 08-2789 in the name of Howard & Howard.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS

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Date

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